

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

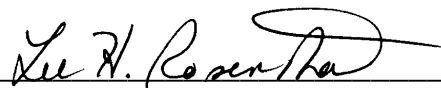
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|---------------------|---|----------------------------|
| DONALD MILLER, | § | |
| | § | |
| Plaintiff, | § | |
| | § | |
| v. | § | CIVIL ACTION NO. H-09-0046 |
| | § | |
| | § | |
| WINCO MASONRY, LLP, | § | |
| | § | |
| Defendant. | § | |

ORDER OF DISMISSAL

Counsel for the parties have advised the court that an amicable settlement has been reached in this action. It is ordered that this cause be dismissed on the merits, without prejudice to the right of counsel to move for reinstatement within 30 days upon presentation of adequate proof that the settlement could not be consummated. It is further ordered that all motions currently pending are denied without prejudice. Any movant seeking to resubmit or reurge those motions must do so within 10 days from the date any motion for reinstatement is filed.

The court appreciates the prompt notification of settlement.

SIGNED on July 24, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge